

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, September 14, 2009. This meeting was held in the meeting room of the Dare County Administrative Annex, 204 Ananias Dare Street, Manteo, NC 27954

**CALL TO ORDER**                      7:00 pm

### **MEMBERS PRESENT**

Elmer R. Midgett, Jr., Chairman  
David Overton  
John Finelli  
Beth Midgett  
Dan Oden

Ricky Scarborough, Jr.  
Beth Midgett  
Henry Haywood

### **APPROVAL OF MINUTES**

There being no additions or deletions to be made to the minutes of the August 10, 2009 Planning Board meeting, a motion was made by Henry Haywood, seconded by David Overton to dispense with reading them and approve them as submitted.

Vote: Ayes – Unanimous

### **OLD BUSINESS**

None

### **NEW BUSINESS**

#### ***William T. & Mary Ellon D. Ballance – Hatteras – Conditional Use Permit Application***

Mrs. Mary Ellon D. Ballance was present for the review of this application.

Senior Planner Donna Creef told the Board that Mrs. Ballance is requesting authorization to operate a beauty salon in a portion of her residence located at 57156 C. Derring Road in Hatteras Village. Mrs. Creef noted that the property is zoned R2-H which does permit home occupations subject to conditional use permit review.

Mrs. Creef told the Board that a home occupation is defined in the Dare County Zoning Ordinance under Section 22-2 as: "A profession or occupation carried on by a member of a family or a member of a recognized profession residing on the premises; provided that no merchandise or commodity other than that produced on the premises is sold on the premises provided; further that not over twenty-five percent of the total actual floor area of any structure is used for the home occupation or professional purposes." Mrs. Creef stated that Mrs. Ballance meets the requirements stated.

Mrs. Creef told the Board that Mrs. Ballance is proposing to use 400 square feet of the structure for her business, "Creative Ballance Salon". She further noted that the Dare County tax records indicate the square footage of the Ballance residence is 1668 square feet and the area proposed for use does not exceed the allowed 25% of floor area.

Mrs. Creef further told the Board that a survey prepared by Mr. Mearl Meekins which was submitted with the conditional use permit application depicts seven parking spaces for use by clients.

Mrs. Creef stated that she did visit the site and provided the Board with photographs of site. She stated that notice of the application was posted on the site and a courtesy notice was sent to the two adjoining property owners. Mrs. Creef stated that the proposed use does not appear to be intrusive on the neighborhood and letters of support were received by staff.

Mrs. Creef provided a draft Conditional Use Permit for the Board's review and consideration. She suggested the Board discuss the issue of signage and employees for the establishment. She told the Board that discussions with Mrs. Ballance indicated that she doesn't feel strongly about having a sign, and wasn't sure if she wanted sign. Mrs. Creef stated that Mrs. Ballance has operated this business for years in a different location and does have two employees which she would like to carry-over to the new location. Mrs. Creef noted that the definition of home occupation does not state that there cannot be any employees. She noted that if the Board is inclined, it would be appropriate to add a condition to the Conditional Use Permit that there shall be no more than two employees.

After discussing the application submitted by Mrs. Ballance, signage and number of employees permitted, a motion to recommend approval of the Draft Conditional Use Permit was made Beth Midgett, seconded by David Overton subject to the following conditions being added:

5. Mrs. Ballance may display a sign not to exceed 6 square feet in area on her property during the hours of operation.
6. Mrs. Ballance may have no more than two employees at the establishment.

Vote: Ayes – Unanimous

#### **Stanley R. & Nancy J. Beacham Subdivision – Roanoke Island – Preliminary**

Present to represent this proposed division was Mr. Ray Meekins of Seaboard Surveying and Planning, Inc.

Senior Planner Donna Creef told the Board that this proposed two lot family division is over the acreage allowance to be handled administratively and has been submitted for review as an "exception" to the minor subdivision standards. She stated that the exception standards are applicable to properties that are three acres or less.

Mrs. Creef told the Board that both of the proposed lots have frontage on SR 1126 (Ananias Dare Street Extended). She noted that there is an existing house on proposed Parcel B which uses an existing 12' gravel drive for access. She noted that the existing gravel drive is in very good shape and a turn-around at the end of the gravel drive is depicted on the plat.

Mrs. Creef told the Board that the division was submitted as a sketch plan, however, Mr. Ray Meekins has inquired about consideration as a preliminary plat. Mrs. Creef stated she doesn't have a problem with considering the item a preliminary plat submission. She further stated that the plat contains most of the information required for a preliminary plat with the exception of some minor notes about the zoning classification and the Minor Subdivision Certificate as required in Section 152.20 of the Subdivision Regulations.

Mr. Meekins told the Board that would appreciate the Board's consideration of a preliminary plat and that he doesn't foresee a problem with being able to put the required notes and certificates on the plat prior to submission to the Dare County Board of Commissioners.

The Board concurred to review the submission for the Stanley and Nancy J. Beacham Subdivision as preliminary plat.

A motion was made by Henry Haywood, seconded by David Overton to recommend preliminary plat approval subject to the required notes and certificates being added to the plat prior to submission to the Dare County Board of Commissioners.

Vote: Ayes – Unanimous

#### **OTHER BUSINESS**

Mrs. Creef told the Board that comments from the State of North Carolina on the Dare County Land Use Plan have been received. She stated she is in the process of reviewing them and preparing a response, and will provide the Board with copies of all the comments.

#### **ADJOURNMENT**

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Beth Midgett, seconded by Dan Oden.

Vote: Ayes – Unanimous

Respectfully Submitted,



Jacqueline J. Tillet  
Senior Administrative Support Specialist

**APPROVED: October 12, 2009**



Elmer R. Midgett, Jr., Chairman  
Dare County Planning Board